

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KENT CLARK,

Plaintiff,

v.

MICHAEL DEIGNAN, et al.,

Defendants.

Civ. No. 15-2854 (KM)

MEMORANDUM and ORDER

The plaintiff has filed a complaint for mandamus and injunctive relief seeking a more thorough search for possible DNA evidence dating from approximately 1985 (ECF no. 1). The defendants have moved to dismiss the complaint. (ECF no. 4)

On March 15, 2016, the Court held oral argument. In the course of oral argument, it appeared that there had been significant cooperation by the government with informal requests to search. It further appeared that plaintiff's counsel acknowledged that a petition under the Innocence Protection Act, 18 U.S.C. § 3600, might prove to be the better procedural vehicle for the relief sought.

It was therefore agreed that the motion to dismiss would be administratively terminated, and that the parties would be given 30 days to meet and confer in an effort to reach a mutual accord as to the matters raised in the complaint.

ACCORDINGLY, IT IS this 15th day of March, 2016

ORDERED that the motion to dismiss (ECF no. 4) is ADMINISTRATIVELY TERMINATED without prejudice.

On or before April 18, 2016, counsel shall, preferably on a joint basis, file a short written status report with the court.


KEVIN MCNULTY, U.S.D.J.